

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHNA FIEDLER,

Plaintiff,

v.

STROUDSBURG AREA SCHOOL
DISTRICT, *et al.*,

Defendants.

NO. 3:19-CV-0983

(JUDGE CAPUTO)

ORDER

NOW, this 6th day of December, 2019, **IT IS HEREBY ORDERED** that:

- (1) The Motion to Dismiss (Doc. 9) filed by Defendants Stroudsburg Area School District, John A. Toleno, Ryan Cron, and Joanna Kovacs is **GRANTED in part and DENIED in part** as follows:
 - (A) The claims against Toleno, Cron, and Kovacs in their official capacities are **DISMISSED with prejudice**.
 - (B) The claims in Counts V, VI, and VII are **DISMISSED** as redundant.
 - (C) The Equal Protection Clause claim (Count XI) is **DISMISSED with prejudice**.
 - (D) The Human Dignity claim (Count I) is **DISMISSED with prejudice**.
 - (E) The Injury to Bodily Integrity claim (Count II) is **DISMISSED with prejudice** as duplicative of Count III.
 - (F) The State-Created Danger claim (Count III) against the District, Toleno, and Cron is **DISMISSED without prejudice**.
 - (G) The procedural due process property interest in education claim (Count IX) is **DISMISSED without prejudice**.
 - (H) The claims for violation of the Pennsylvania Constitution Article

I, Section I (Counts IV & VIII) are **DISMISSED with prejudice**.

(I) The Rehabilitation Act and Americans with Disabilities Act claim (Count X) is **DISMISSED without prejudice**.

(J) The Motion to Dismiss is **DENIED in all other respects**.

(2) Plaintiff has **twenty-one (21) days** to file an amended complaint to properly state her substantive due process claim against the District, Toleno, and Cron, her procedural due process claim, and her Rehabilitation Act/Americans with Disabilities Act claim. Failure to file an amended complaint within this time will result in the dismissal of these claims with prejudice.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge